DOCUMENT RESUME

ED 413 544 CG 027 510

AUTHOR Forester-Miller, Holly; Davis, Thomas E.
TITLE A Practitioner's Guide to Ethical Decision Making.
INSTITUTION American Counseling Association, Alexandria, VA.
PUB DATE 1995-00-00
NOTE 13p.
AVAILABLE FROM ACA Distribution Center, P.O. Box 531, Annapolis Junction, MD 20701-0531.
PUB TYPE Guides - Non-Classroom (055)
EDRS PRICE EDRS Price MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS Accountability; Behavior Standards; *Codes of Ethics; *Counselors; *Decision Making; *Ethics; *Evaluative Thinking; Integrity; Models; Problem Solving; Responsibility
IDENTIFIERS *American Counseling Association; Professional Ethics

ABSTRACT

Counselors must make sound ethical decisions but, often, determining the appropriate course to take when confronted with a difficult ethical dilemma can be a challenge. This guide assists counselors in ethical decision making; it is presented as a supplement, and is to be used in conjunction with, the American Counseling Association (ACA) Code of Ethics and Standards of Practice. This practitioner's guide addresses principles that are globally valuable in ethical decision making and provides a model for professionals to utilize in their practice. It opens with a review of the five moral principles that are viewed by many as the cornerstone of ethical guidelines: autonomy, nonmaleficence, beneficence, justice, and fidelity. These principles provide an absolute against which counselors can explore an ethical dilemma, thereby gaining a better understanding of conflicting issues. A sequential, seven-step, ethical, decision-making model is presented next and comprises the following: (1) identify the problem; (2) apply the ACA Code of Ethics; (3) determine the nature and dimensions of the dilemma; (4) generate potential courses of action; (5) consider the potential consequences of all options and then determine a course of action; (6) evaluate the selected course of action; (7) implement this action. (RJM)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 413 544

A Practitioner's Guide to Ethical Decision Making

PERMISSION TO REPRODUCE AND
DISSEMINATE THIS MATERIAL
IN OTHER THAN PAPER COPY
HAS BEEN GRANTED BY

W.M. Hamilton

TO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

Holly Forester-Miller, Ph.D.
and
Thomas E. Davis, Ph.D.

2

CG027510

Please note that the following model is meant to be used as a supplement to the American Counseling Association's *Code of Ethics and Standards of Practice* and not as a substitute for the code. *The Practitioner's Guide to Ethical Decision* Making is to be used in conjunction with the ACA *Code of Ethics and Standards of Practice*. Members should use the principles of the Code in developing potential courses of action for solving ethical dilemmas. When uncertain as to whether a particular situation or course of action may be a violation of the *Code of Ethics*; Counselors are advised to consult with other counselors who are knowledgeable about ethics, and/or with appropriate state and national licensing, certifying or membership associations

Introduction

Counselors are faced with situations which require sound ethical decision making ability. Determining the appropriate course to take when confronted with a difficult ethical dilemma can be a challenge. To assist ACA members in meeting this challenge, the ACA Ethics Committee has developed ***A Practitioner's Guide to Ethical Decision Making***. The intent of this document is to provide professional counselors a framework for sound ethical decision making. The following will address both guiding principles that are globally valuable in ethical decision making, and a model that professionals can utilize as they address ethical questions in their work.

Moral principles

Kitchener (1984) has identified five moral principles that are viewed by many as the cornerstone of our ethical guidelines. Ethical guidelines can not address all situations that a counselor is forced to confront. Reviewing these ethical principles which are at the foundation of the guidelines often helps to clarify the issues involved in a given situation. The five principles, autonomy, nonmaleficence, beneficence, justice, and fidelity are each absolute truths in and of themselves. By exploring the dilemma in regard to these principles one may come to a better understanding of the conflicting issues.

1. Autonomy is the principle that addresses the concept of independence. The essence of this principle is allowing an individual the freedom of choice and action. It addresses the responsibility of the counselor to encourage clients, when appropriate, to make their own decisions and to act on their own values. There are two important considerations in encouraging clients to be autonomous. First, helping the client to understand how their decisions and their values may or may not be received within the context of the society in which they live, and how they may impinge on the rights of others. The second consideration is related to the client's ability to make sound and rational decisions. Persons not capable of making competent choices, such as children, and some individuals with mental handicaps, should not be allowed to act on decisions that could harm themselves or others.

2. Nonmaleficence is the concept of not causing harm to others. Often explained as "above all do no harm", this principle is considered by some to be the most critical of all the principles, even though theoretically all five principles are of equal weight (Kitchener, 1984; Rosenbaum, 1982; Stadler, 1986). This principle reflects both the idea of not inflicting intentional harm, and not engaging in actions that risk harming others (Forester-Miller & Rubenstein, 1992).

3. Beneficence reflects the counselor's responsibility to contribute to the welfare of the client. Simply stated it means to do good, to be proactive and also to prevent harm when possible (Forester-Miller & Rubenstein, 1992).

4. Justice does not mean treating all individuals the same. Kitchener (1984) points out that the formal meaning of justice is "treating equals equally and unequals unequally but in proportion to their relevant differences" (p.49). If an individual is to be treated differently, the counselor needs to be able to offer a rationale that explains the necessity and appropriateness of treating this individual differently.

5. Fidelity involves the notions of loyalty, faithfulness, and honoring commitments. Clients must be able to trust the counselor and have faith in the therapeutic relationship if growth is to occur. Therefore, the counselor must take care not to threaten the therapeutic relationship nor to leave obligations unfulfilled.

When exploring an ethical dilemma, one needs to examine the situation and see how each of the above principles may relate to that particular case. At times this alone will clarify the issues enough that the means for resolving the dilemma will become obvious. In more complicated cases it is helpful to be able to work through the steps of an ethical decision making model, and to assess which of these moral principles may be in conflict.

Ethical decision making model

We have incorporated the work of Van Hoose and Paradise (1979), Kitchener (1984), Stadler (1986), Haas and Malouf (1989), Forester-Miller and Rubenstein (1992), and Sileo and Kopala (1993) into a practical, sequential, seven step, ethical decision making model. A description and discussion of the steps follows.

1. Identify the Problem.

Gather as much information as you can that will illuminate the situation. In doing so, it is important to be as specific and objective as possible. Writing ideas on paper may help you gain clarity. Outline the facts, separating out innuendos, assumptions, hypotheses, or suspicions. There are several questions you can ask yourself: Is it an ethical, legal, professional, or clinical problem? Is it a combination of more than one of these? If a legal question exists, seek legal advice.

Other questions that may be useful to ask yourself are: Is the issue related to me and what I am or am not doing? Is it related to a client and/or the client's significant others and what they are or are not doing? Is it related to the institution or agency and their policies and procedures? If the problem can be resolved by implementing a policy of an institution or agency, you can look to the agency's guidelines. It is good to remember that dilemmas you face are often complex, so a useful guideline is to examine the problem from several perspectives and avoid searching for a simplistic solution.

2. Apply the ACA Code of Ethics.

After you have clarified the problem, refer to the Code of Ethics (ACA, 1995) to see if the issue is addressed there. If there is an applicable standard or several standards and they are, specific and clear, following the course of action indicated should lead to a resolution of the problem. To be able to apply the ethical standards, it is essential that you have read them carefully and that you understand their implications.

If the problem is more complex and a resolution does not seem apparent, then you probably have a true ethical dilemma and need to proceed with further steps in the ethical decision making process.

3. Determine the nature and dimensions of the dilemma.

There are several avenues to follow in order to ensure that you have examined the problem in all its various dimensions.

*Consider the moral principles of autonomy, nonmaleficence, beneficence, justice, and fidelity. Decide which principles apply to the specific situation, and determine which principle takes priority for you in this case. In theory, each principle is of equal value, which means that it is your challenge to determine the priorities when two or more of them are in conflict.

*Review the relevant professional literature to ensure that you are using the most current professional thinking in reaching a decision.

*Consult with experienced professional colleagues and/or supervisors. As

they review with you the information you have gathered, they may see other issues that are relevant or provide a perspective you have not considered. They may also be able to identify aspects of the dilemma that you are not viewing objectively.

*Consult your state or national professional associations to see if they can provide help with the dilemma.

4. Generate potential courses of action.

Brainstorm as many possible courses of action as possible. Be creative and consider all options. If possible, enlist the assistance of at least one colleague to help you generate options.

5. Consider the potential consequences of all options and determine a course of action.

Considering the information you have gathered and the priorities you have set, evaluate each option and assess the potential consequences for all the parties involved. Ponder the implications of each course of action for the client, for others who will be affected, and for yourself as a counselor. Eliminate the options that clearly do not give the desired results or cause even more problematic consequences. Review the remaining options to determine which option or combination of options best fits the situation and addresses the priorities you have identified.

6. Evaluate the selected course of action.

Review the selected course of action to see if it presents any new ethical considerations. Stadler (1986) suggests applying three simple tests to the selected course of action to ensure that it is appropriate. In applying the test of justice, assess your own sense of fairness by determining whether you would treat others the same in this situation. For the test of publicity, ask yourself whether you would want your behavior reported in the press. The test of universality asks you to assess whether you could recommend the same course of action to another counselor in the same situation.

If the course of action you have selected seems to present new ethical issues, then you'll need to go back to the beginning and reevaluate each step of the process. Perhaps you have chosen the wrong option or you might have identified the problem incorrectly.

If you can answer in the affirmative to each of the questions suggested by Stadler (thus passing the tests of justice, publicity, and universality) and you are satisfied that you have selected an appropriate course of action, then you are ready to move on to implementation.

7. Implement the course of action.

Taking the appropriate action in an ethical dilemma is often difficult. The final step involves strengthening your ego to allow you to carry out your plan. After implementing your course of action, it is good practice to follow up on the situation to assess whether your actions had the anticipated effect and consequences.

The ethical decision making model at a glance

1. Identify the problem.
2. Apply the ACA Code of Ethics.
3. Determine the nature and dimensions of the dilemma.
4. Generate potential courses of action.
5. Consider the potential consequences of all options, choose a course of action.
6. Evaluate the selected course of action.
7. Implement the course of action.

It is important to realize that different professionals may implement different courses of action in the same situation. There is rarely one right answer to a complex ethical dilemma. However, if you follow a systematic model, you can be assured that you will be able to give a professional explanation for the course of action you chose. Van Hoose and Paradise (1979) suggest that a counselor "is probably acting in an ethically responsible way concerning a client if (1) he or she has maintained personal and professional honesty, coupled with (2) the best interests of the client, (3) without malice or personal gain, and (4) can justify his or her actions as the best judgment of what should be done based upon the current state of the profession" (p.58).

Following this model will help to ensure that all four of these conditions have been met.

References

American Counseling Association (1995). *Code of Ethics and Standards of Practice*. Alexandria, VA: Author.

Forester-Miller, H. & Rubenstein, R.L. (1992). Group Counseling: Ethics and Professional Issues. In D. Capuzzi & D. R. Gross (Eds.) *Introduction to Group Counseling* (307-323). Denver, CO: Love Publishing Co.

Haas, L.J. & Malouf, J.L. (1989). *Keeping up the good work: A practitioner's guide to mental health ethics*. Sarasota, FL: Professional Resource Exchange, Inc.

Kitchener, K. S. (1984). Intuition, critical evaluation and ethical principles: The foundation for ethical decisions in counseling psychology. *Counseling Psychologist, 12*(3), 43-55.

Rosenbaum, M. (1982). Ethical problems of Group Psychotherapy. In M. Rosenbaum (Ed.), *Ethics and values in psychotherapy: A guidebook* (237-257). New York: Free Press.

Sileo, F. & Kopala, M. (1993). An A-B-C-D-E worksheet for promoting beneficence when considering ethical issues. *Counseling and Values, 37*, 89-95.

Stadler, H.A. (1986). Making hard choices: Clarifying controversial ethical issues. *Counseling & Human Development, 19*, 1-10.

Van Hoose, W.H. (1980). Ethics and counseling. *Counseling & Human Development,13*(1), 1-12.

Van Hoose, W.H. & Paradise, L.V. (1979). *Ethics in counseling and psychotherapy: Perspectives in issues and decision-making*. Cranston, RI: Carroll Press.

For information on ordering *A Practitioner's Guide to Ethical Decision Making* write to:

ACA Distribution Center
P.O. Box 531
Annapolis Junction, MD 20701-0531.

or call 301-470-4ACA (301-470-4222) • toll free 1-800-422-2648 • fax (301) 604-0158

American Counseling Association
5999 Stevenson Ave.
Alexandria, VA 22304